IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.646 OF 2005
IN
ARBITRATION PETITION NO.348 OF 2004

Vijay H. Jaiswal Appellant

versus

Jawaharlal Nehru Port Trust
and others Respondents

Mr.H.Toor with Mr.Khanjote i/by M/s.S.K.Legal Associates for appellant.
Mr.Rajeev Kumar with Mr.L.Samuel i/by M/s.Advani & Co. for respondents.

CORAM : DR.S.RADHAKRISHNAN AND
S.C.DHARMADHIKARI, JJ.

DATE : 21st September 2005

PC :

1. Heard learned counsel for the appellant and respondents. By this appeal the appellant is challenging the order dated 24th November 2004 passed by the learned Single Judge refusing to interfere in the petition filed by the appellant seeking cancellation of the mandate under sections 14(2) and 15(2) of the Arbitration and Conciliation Act (for short "the Act"). It appears that the appellant had moved this Court under section 11 of the Act for appointment of an independent Arbitrator. However, at that time

the learned Judge has granted permission to withdraw the said application and granted liberty. The learned counsel for appellant contends that as the appeal was pending before the Chairman of Jawaharlal Nehru Port Trust (for short "JNPT"), the learned Single Judge was not inclined to interfere and therefore, allowed the appellant to withdraw the aforesaid application. The learned counsel for the appellant also brought to our notice two letters written to the Chairman of JNPT dated 15th August 2001 and 13th September 2001.

2. Having regard to the facts and circumstances of the case, we are not inclined to interfere with the impugned order as we do not find any patent illegality or infirmity. However, having regard to the facts and circumstances of the case, we are inclined to direct the Chairman of JNPT to treat both the aforesaid letters dated 15th August 2001 and 13th September 2001 as appeals in the larger interest and decide the same as expeditiously as possible after giving an opportunity to the appellant. Appeal stands disposed of in the above terms.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)